**THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY**

**W.P.No.21526 of 2005**

**Date:27.08.2007**

**Between:**

The Private Medical Practitioners' Association.

..... PETITIONER

AND

The Government of A.P. and others.

.....

RESPONDENTS

**ORDER:**

The petitioner is the Association of Private Medical Practitioners in West Godavari District. It seeks a writ of Mandamus to declare the action of the District Collector, West Godavari, second respondent herein, in interfering with their profession, as illegal and arbitrary, and seeks a direction to the second respondent and his subordinates not to interfere or initiate penal action against the members of the association.

It is stated that the members of the petitioner-association are practicing since last several decades and they are mostly giving the first-aid to the needy persons and that the further and sophisticated treatment would be accorded at Government Hospitals or in the hands of the qualified doctors. The petitioner claims to have made a representation, dated 11.04.2005, to regulate and give legal sanctity to the activity undertaken by its

members. It is complained that no action has been taken thereon.

Sri B.Purushothama Reddy, the learned counsel for the petitioner, submits that for quite some time, the practice of giving primary treatment was recognized by issuing certificates, such as Registered Medical Practitioners and Private Medical Practitioners and the same is sought to be stopped by the respondents. He further contends that the members of the association are serving the needy people, mostly in remote areas.

The learned Government Pleader for Medical and Health submits that the practice of medicine is a regulated activity and unless one is qualified, he cannot undertake such practice.

Dr.Gottapu Appa Rao, and the A.P. Medical Council got themselves impleaded as respondents 3 and 4. They contend that the practice of medicine by unqualified persons is not only contrary to law and also dangerous to the human lives.

As regards a representation made by the Private Medical Practitioners' Association of India, through its State Branch, W.P.No.22702 of 2002 was filed before this Court, almost with the similar complaint. Through an order, dated 07.08.2007, this Court directed that the said representation be considered and appropriate orders be passed within eight weeks from the date of submitting a fresh copy of the application.

In the instant case, a representation has already been received by the first respondent on 19.04.2005. It is not evident

as to what action has been taken thereon.

As the provisions of law stand now, the practice of medicine by unqualified persons is prohibited. It is a matter of common knowledge that the medical facilities, particularly in the field of Allopathy, are concentrated mostly in the District Head Quarters or other densely populated places and the people in the remote, rural and agency areas are left without any medical assistance. The outbreak of epidemics and occurrence of seasonal ill-health to large number of persons is becoming a regular phenomenon. While the Government is making its own efforts to appoint qualified persons, it is unable to attract them to serve the people in rural areas.

Just as some crash programmes are evolved for midwifery, non-medical assistants etcetera, programmes and crash courses can be evolved, to train intending or selected persons to render medical assistance of a limited nature, which, in turn, is to be regulated by the competent authorities. Such a course would make the basic medical services available to the needy people particularly in the rural areas. The trained persons can be issued certificates, duly informing them the nature of activity that can be undertaken by them and not beyond that. This would, in a way, prevent the indiscriminate practice by non-qualified persons.

For the foregoing reasons, the writ petition is disposed of, directing the first respondent to pass appropriate orders on the representation made by the petitioner on 11.04.2005,

acknowledged through proceedings, dated 19.04.2005. Pending finalization of the matter in the larger scope, the feasibility of evolving the programmes to give crash training to the intending persons to undertake the treatment of a very limited nature, duly taking the opinion of the experts in the concerned field, shall also be considered.

There shall be no order as to costs.

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27.08.2007

kdl